

Summary of Gaps in Education Services to Expelled Students and Strategies for Filling Those Gaps

Previously identified gaps have been examined and considerable improvement has been made through a collaborative process between the 27 Orange County School Districts and the Orange County Department of Education. The 27 School Districts in Orange County and the Orange County Department of Education have committed themselves to an ongoing process to resolve the remaining identified gaps.

Service Gap 1: Expelled Students in Grades K-5

Anaheim Union High School District is a grade 7 to 12 district so Service Gap 1 does not apply.

While there are several California Education Code sections that prohibit the expulsion of students in lower grades for various offenses, a student in grade K-3 can be expelled for commission of any of the other offenses. Specifically, Education Code section 48900(k) prohibits the expulsion of any student for disruption/defiance and Education Code 48900.2 prohibits the expulsion of a student in K-3 for sexual harassment. Education Code 48900.3 (hate violence) and 48900.4 (harassment, threats, or intimidation) pertain only to students in grades 4-12.

As identified mainly by elementary school and smaller districts, students in grades K-5 who are expelled do not have as many educational options available as do expelled youth in grades 6-12. In some instances, it has been difficult to place elementary school students who are expelled, especially at the K-4 level. The number of community day schools at the elementary school grade level is limited.

Progress from 2018

A common practice for students expelled in grades K-5 is for the school district to suspend the expulsion order and refer the student to another school within the district. School districts also may collaborate with each other to facilitate enrollment of an expelled elementary school student into a school in a different school district, when appropriate. School districts continue to have the option of referring expelled students to Skyview Elementary and Middle School, an Orange County Department of Education ACCESS program serving grades K-8. Skyview is a community elementary/middle school program designed to meet the needs of all at-risk children and offers community support programs for both the students and their families.

Ongoing Strategies for Addressing This Gap

Students in grades K-5 who are expelled, may be served through the following school district or Orange County Department of Education alternative education programs:

- Transfers within the home district which may include district community day school.
- Skyview Elementary and Middle School, located in the city of Orange, is operated by the OCDE ACCESS program, and serves students in grades K-8.
- Students in grade 5, on a case-by-case basis, may be referred to other ACCESS school sites depending upon class composition at the time of referral.

The Orange County Department of Education continues to review the ongoing need for an elementary level regionalized community school program to serve elementary-aged students who may be expelled from their school district. Over the past five years, the number of expulsions for Orange County students in grades K-6, as reported to *DataQuest*, are as follows:

Year	K-3	4-6
2014-15	0	7
2015-16	0	7
2016-17	0	10
2017-18	0	9
2018-19	0	9

Orange County school districts continue to support one another and offer alternative placement options whenever possible, taking students who were expelled for non-mandatory expellable offenses especially in larger districts with community day school options or special classrooms on their sites. School districts are also expanding interventions through a Multi-Tiered System of Support framework with evidence-based programs such as Positive Behavior Intervention and Supports, Restorative Practice, Mindfulness Practice, Trauma-Informed Care Perspective and Resources, and Social and Emotional Learning resulting in reduction of expulsions at the elementary grade level. In addition, the tiered interventions, and strategies of the Student Attendance Review Team (SART) and Student Attendance Review Board (SARB) processes are being implemented as preventative/early warning measures to reduce the number of suspensions and expulsion through a strength-based approach focusing on students' behavior (academic, attendance, social-emotional) challenges and family support.

Challenges to Addressing This Gap

- The location of the Skyview Elementary and Middle School site in proximity to the district of residence may pose a challenge to student attendance.
- To attend Skyview or other schools in neighboring school districts, students may require transportation. However, neither the districts nor ACCESS provide transportation which is a challenge for some students to attend schools outside of the boundaries of the district of residence.
- The low number of elementary students in grades K-5 who need alternative placements due to expulsions continue to make it impractical and cost-inhibitive to sustain operation of multiple school sites and programs throughout the county.

Service Gap 2: Limited Special Education Placements in ACCESS

The Orange County Department of Education is committed to expanded program options for students with exceptional needs that have been expelled from school district programs. As identified through communications with SELPA and District-Special Education Directors, programs for emotionally disturbed and dual diagnosis (Emotionally Disturbed and Developmentally Delayed) students have been developed in some school districts as well as the OCDE Special Schools program. In addition, ACCESS continues to evaluate its Special Education services to provide a continuum of placement options. When a student's unique needs cannot be accommodated through existing OCDE program alternatives, the district of residence will continue to facilitate placement to meet the unique needs of individual students through district and non-public agency/non-public school (NPS) placements.

Progress from 2018

Orange County School Districts have continued to expand efforts to provide services to students within their attendance area reducing the need for referrals to ACCESS and the OCDE Special Schools program. The Orange County School Districts and OCDE will provide ongoing monitoring of the need for additional Special Education services for expelled students. The ACCESS program is prepared to respond to increased demands as conditions warrant in the future.

Programs for Students with intensive Mental Health needs:

- ACCESS has been able to expand the number of licensed mental health clinicians over the past several years. This has allowed for increased support during the school day while students are on campus. Continued expansion of programs for students with intensive mental health and behavioral needs is contingent upon the location of school sites that can accommodate such programs and sufficient enrollment to maintain such programs. Additional training in various behavior management strategies for both general education and special education teachers can support the increased needs of students being enrolled with mental health and behavioral needs.

Programs to Expand Continued Services for Special Education Students:

- Expanding program options for special education students continue to be evaluated through OCDE, Orange County SELPA Directors and Orange County School Districts.

ACCESS will continue to utilize its Director of Student Services as well as Special Education Administrative Liaisons/Coordinators to facilitate participation in district IEP team meetings when a referral for an expelled student is made to ACCESS. In addition, ACCESS has continued to increase its special education staff including a focus to address the increased mental health needs for students with disabilities. ACCESS can provide intensive counseling services by licensed mental health professionals who have been trained in Trauma Informed Care and Restorative Practice. Small group therapy programs have also been developed to address issues that impact social functioning within the classroom and community, such as social skills, anger management and various coping skill strategies.

All ACCESS mental health clinicians will continue to receive training in the most current research-based training in various therapeutic therapies to address the changing needs of our students.

Ongoing Strategies for Addressing This Gap

School districts continue to create, expand, and have success with community day school programs for expelled students with special needs as an option to county operated and non-public school placements. ACCESS provides an inclusive educational setting with students mainstreamed into general educational programs. Placement at non-public schools (NPS) continues to be an option for school districts as well. In addition, districts are utilizing various flexible scheduling opportunities along with alternative education options to meet IEP goals, provide related services, and fulfill the requirements of the rehabilitation plan.

Challenges to Addressing This Gap

- Establishing a regionalized program in an alternative school setting that can be operated and maintained based on an unpredictable number of student referrals as well as transportation barriers pose ongoing challenges. These challenges impact the sustainability of regionalized special education programs operated by OCDE. Although some school districts have expressed a need for a self-contained special day class (SDC) for students with emotional and/or behavior disorders, this has not been sustainable for OCDE due to the minimal number of students being referred. Challenges to addressing Service Gap #1 may also have been a contributing factor to the limited number of referrals for establishing such a program.
- One area of continued concern expressed by some school districts is the ability of the ACCESS program to provide a Free Appropriate Public Education (FAPE) given its inclusive practices and independent study model. Based on the smaller class sizes in ACCESS and the individualized instructional model through contracted learning, the

structure of the school day differs from a traditional school schedule and often requires modification of the IEP.

- Another area of concern has been the combined programming of middle school and high school programs. There is a desire to provide separate classes/programs for middle school students to better address their unique developmental and social-emotional needs, however the low numbers of referrals/enrollment of middle school students make it difficult to maintain separate programs.

Service Gap 3: Rehabilitation Failures

Based on the most recent survey of Orange County School Districts, concerns about students failing to satisfy school district rehabilitation plans during the expulsion period were expressed in combination with general concerns about student transition as they reenter the district. On occasion, students do not meet the provisions of the expulsion rehabilitation plan and fall behind in their academic studies. In these cases, such students are at high risk of not completing their necessary credits and are at a higher risk of dropping out of school.

Progress from 2018

Over the past three years, OCDE has continued discussions with the Orange County School Districts to identify systematic approaches to facilitate the regular transfer of the rehabilitation plan upon referral of an expelled student, as well as identify community resources available to support students in meeting their district rehabilitation plan requirements.

Regional Administrative Areas help to promote communication between the districts and the county community schools, and ACCESS directors, coordinators, principals, and assistant principals attend county Student Services meetings to facilitate ongoing communication. In addition, the ACCESS Student Attendance Review Board (SARB) process has been coordinated more efficiently and ACCESS utilizes one of its staff members in truancy court to make sure students attend school and are connected to community resources.

Ongoing Strategies for Addressing This Gap

Districts will be asked to provide ACCESS a copy of the rehabilitation plan when referring an expelled student. ACCESS staff will review the rehabilitation plan with the student and, as appropriate, the student's parents, and will assist the student in completing his/her plan requirements. Orange County School Districts and ACCESS have implemented the use of a supplemental referral form when students are referred to an ACCESS program. This form includes specific information about a student's needs as well as progress and action items needed to complete the rehabilitation plan requirements. School staff will continue to monitor student achievement toward rehabilitation plan requirements throughout the term of expulsion while

educational services are provided by ACCESS or private agencies. For students struggling to meet rehabilitation plan requirements, the student consultation team process may be considered to provide additional support. Continued, two-way communication and collaboration with school district personnel will continue to be a priority. Enhanced communication promotes student success and early intervention when students are not meeting the terms of the rehabilitation plan. In addition, communication is vital between the districts and ACCESS regarding the status of students who are returning to the district. When returning to the district, ACCESS staff will continue to use the Student Transition form to communicate information on student's completion of the rehabilitation plan.

Districts have expanded their programs and services to support expelled students by hiring additional staff and assigning specific duties to staff to monitor the completion of the student's rehabilitation plan and to communicate/collaborate with ACCESS and other programs. In addition, to meet the academic needs of the students and to ensure that they acquire the necessary credits to meet the graduation requirements, districts have expanded their instructional programs to include enhanced Summer School and after-school programs, district online instruction, and tutoring support for expelled students. Furthermore, upon re-entry to the district, students will continue to be closely monitored and supported by school staff through the creation of a behavior contract, needs assessment survey, and the opportunity for alternative placement at a different school site within the district.

OCDE will continue to explore with districts how to utilize and expand existing collaborations to ensure student success with completion of the rehabilitation plan. This includes the use of community non-profits and private programs to assist in carrying out individual student rehabilitation plans.

Challenges to Addressing This Gap

- A challenge continues to be communication between the districts and ACCESS in ensuring that the district's rehabilitation plan is completed by the student. In some cases, districts do not directly share the student's rehabilitation plan with ACCESS in a timely manner or at all, thus leaving this task to parents and students.
- There continues to be a need to identify additional intervention services for students to meet the specific requirements of their rehabilitation plans especially when involving mental health services.

Service Gap 4: Mental Health Services

Orange County School Districts are seeing an increased need for mental health services and a shortage of affordable and accessible options for students.

Progress from 2018

The Orange County Department of Education will continue to work to promote school and community partnerships and professional development to address the mental health needs of students. The development of Local Control Accountability Plans gives greater attention to the mental health needs of students and the county office will assist districts as they strive to find ways to address the social emotional needs of their students and support the “whole child.” This is one of OCDE’s strategic initiatives articulated in its 2016 -2019 Strategic Plan. OCDE, which heads the California SUMS (Scale Up Multi-Tiered System of Support) initiative, continues to provide technical assistance to many Orange County School Districts in the areas of Academic, Behavioral, and Social and Emotional support. OCDE continues to share-out local resources through network meetings and listservs. The ACCESS program will continue to work with districts to identify and assist expelled students who have mental health needs and whose family needs resources to care for the whole child. To this end, ACCESS has several mental health clinicians. ACCESS will continue to provide more intensive counseling services by licensed mental health professionals who have been trained in **Trauma Informed Care** and Restorative Practice. In addition, ACCESS mental health clinicians are trained in **Trauma Focused Therapy**. The Orange County SELPAs, school districts and OCDE continue to assess any gaps resulting from changes in the funding structures to ensure the availability of appropriate mental health services for both general education and special education students expelled from school.

Ongoing Strategies for Addressing this Gap

OCDE was awarded the **Mental Health Student Services Act (MHSSA) Grant** in partnership with OCHCA through August 31, 2024, with the purpose to strengthen mental health partnerships between county mental health or behavioral health departments, community-based organizations, and Orange County school districts to increase access to mental health services and remove barriers to better serve our students and families in their mental health needs. Expected outcomes related specifically to serving and supporting expelled students are as follow:

- Improve timely access to accessing services.
- Reduce barriers to needed services.
- Increase linkages to mental health services for districts.
- Increase training on mental health topics to educators, administrators, parents/families, and students.
- Improve awareness and understanding of mental health topics and knowledge of how to navigate services.
- Reduce negative student outcomes (e.g., chronic sadness, thoughts of suicide, suicide rates, chronic absenteeism, school failure, etc.).

To accomplish these goals as a Community of Practice, the grant provides funding for seven (7) Regional Mental Health Coordinators (RMHC).

To decrease the student to mental health staff ratio and increase students' access to services, districts have continued to hire more counselors, therapists, psychologists, social workers, clinicians/specialists, administrators/coordinators and increase the number of partnerships with community agencies to expand student access to mental health services, crisis response services, and special education services. Some districts have shifted the duties and responsibilities of existing staff to include mental health support services and community coordination/partnerships for mental health services for students. Districts have placed particular focus on at-risk students, low socio-economic students, Homeless and Foster Youth, LGBTQIA students, and students with irregular school attendance.

Furthermore, districts have participated in Trauma-Informed Care and Education, Trauma Focused Therapy, Social-Emotional Learning (SEL) competencies and Diversity, Equity, and Inclusion (DEI) trainings provided by OCDE in addition to contracting with community agencies to provide similar training to counselors and teacher/staff training within the district. OCDE and Orange County school districts will continue to collaborate about the districts' needs for additional student mental health training and technical assistance with implementing behavior supports and strategies. To implement Positive Behavior Intervention and Supports (PBIS) strategies schoolwide, some districts have established School Climate Lead Teachers and Teams at each school site to enhance the collaboration and coordination of the multi-tiered framework of support.

Challenges to Addressing This Gap

- The distribution of community mental health resources and services, specifically mentorship services, are not equitably dispersed or available throughout all the communities within the Orange County school districts.

<p style="text-align: center;">COUNTYWIDE BEHAVIOR INTERVENTIONS AND BEST PRACTICES TO PREVENT SUSPENSIONS AND EXPULSIONS</p>
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Orange County schools seek to minimize the number of expulsions by establishing prevention and early intervention practices. School districts pursue a variety of strategies to educate students and establish a safe and caring climate to prevent student misconduct. When warranted, disciplinary measures are implemented consistent with district policies and procedures to ensure fair and consistent disciplinary measures. These efforts will continue to prevent any disproportionate representation of minority students recommended for expulsion.

Expulsions occur when student and campus safety is threatened or when other means of correction have not been successful. Districts engage in several preventive and proactive strategies including but not limited to the following:

- Adult Mentoring of Students
- After School Programs
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- Alternate Suspension Classrooms (ATS)
- Annual Notice of Parent Rights and Responsibilities
- Anti-bullying Programs
- Any of the alternatives described in Section 48900.6 related to community service
- Athletic Drug Testing
- Automated Telephone Notifications
- Behavior Skills Group
- Brief Intervention Counseling (Substance Abuse Counseling)
- Canine Solutions for Contraband Canine School visits
- Character Counts
- Check-in, Check-out
- Classroom Management training for administrators and teachers
- Clifton Strengths Finder
- Come Walk In My Shoes (abilities awareness)
- Community Partnership
- Conferences between school personnel, the pupil's parent or guardian, and the pupil.
- Conflict Mediators/Conflict Resolution Services
- Coordinated Approach to Children's Health (CATCH)
- Crisis Response Network (CRN)
- Enrollment in programs for teaching prosocial behavior or anger management
- Every 15 Minute Program
- Friday Night Live
- Gang Resistance Intervention Partnership (GRIP)
- Grad Night Activities

- Homework Clubs
- In-school Suspensions
- Juvenile Alcohol and Drug Education (JADE), PRYDE Program, Outreach Concern, Straight Talk, Western Youth Services and Other Community Counseling Partnerships
- Kindness Assemblies
- Link Crew
- Mindfulness practice/implementation of Mindful Mondays
- Multi-Tiered System of Support Framework (MTSS Continuum of Support)
- Online Classes and Credit Recovery Opportunities
- Other Means of Correction (OMC) and early intervention training for administrators and teachers
- Parent Meetings and Information Nights
- Peace Week (Anti-bullying week)
- Peer Assistance League (PAL)
- Peer Court
- Police Cadet Programs
- Positive Behavior Intervention and Supports
- Random Acts of Kindness
- Red Ribbon Week
- Referrals for comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- Restorative Practices
- Safety Task Force
- Saturday School
- School-based Trauma-Informed Care Perspective and Resources training for school personnel
- School Attendance Review Board (SARB)

- School Attendance Review Team (SART)
- School counseling website with online counseling for self- and peer-referral services
- School Signs and Notices
- Social Emotional Learning (SEL) Curriculum vetted CASEL such as Second Step and Sanford Harmony
- Stanford Tobacco Prevention Toolkit
- Student Behavior Contracts
- Student Clubs and Organizations
- Student Safety Plans
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents
- Successful Mind for School, Work, and Life
- Text-A-Tip
- Thrively (as an interests/strengths assessment and career explorer curriculum)
- TUPE/DATE activities
- Tutoring
- Universal Design for Learning
- Violence Prevention Curricula
- Violence Prevention Education Services
- WEB (Where Everybody Belongs)

Additional proactive and preventative strategies to address student disciplinary incidences considering Distance and Hybrid Learning:

- Care and Support Hotlines to share need-based district and community resources
- Distance Learning for credit recovery for students to meet the academic objectives of the Rehabilitation Plan
- District virtual calming rooms with multifaceted approaches to reduce stress, improve mood, and assist with academic functioning by addressing social emotional barriers
- Online Needs Surveys for staff, students, and families

- Teletherapy or phone sessions for social-emotional support and stress reduction for students
- Virtual small group counseling sessions for students

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN THE ANAHEIM UNION HIGH SCHOOL DISTRICT

General Provisions

As required by Education Code 48926, the Orange County Superintendent of Schools has developed an expulsion plan in conjunction with the Superintendents of the school districts in Orange County. The plan provides for educational services to all expelled students in the county for school years 2021-22, 2022-23, and 2023-24. A student whose behavior has resulted in an expulsion is provided a rehabilitation plan which ensures placement in an educational program and establishes the criteria for return to the Anaheim Union High School District. All educational alternatives provided by Orange County school districts are not available to all expelled students. The type of offense, location of offense, grade level and nature of the student's individualized needs; all have the potential to affect the educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (E.C. 48915.2).

As indicated in the Orange County Expulsion plan, the options available to Anaheim Union High School District after an expulsion decision include, but are not limited to the following:

1. Expulsion, suspended order, with placement on the same school campus [E.C. 48917 (a)].
2. Expulsion, suspended order, with placement on a different school campus within the district [E.C.48917 (a)].
3. Expulsion with referral to a district alternative suspension/expulsion classroom, if available (E.C. 48660).
4. Expulsion with subsequent transfer to another district.
5. Expulsion with referral to the Orange County Department of Education, Alternative, Community and Correctional Education Schools and Services (ACCESS) (E.C. 1981).

Actual referral to a district alternative suspension/expulsion classroom or county community school is made by the Anaheim Union High School District governing board with recommendations from the district administrative hearing panel, School Attendance Review Board (SARB), or by another established district referral process as required by statute.

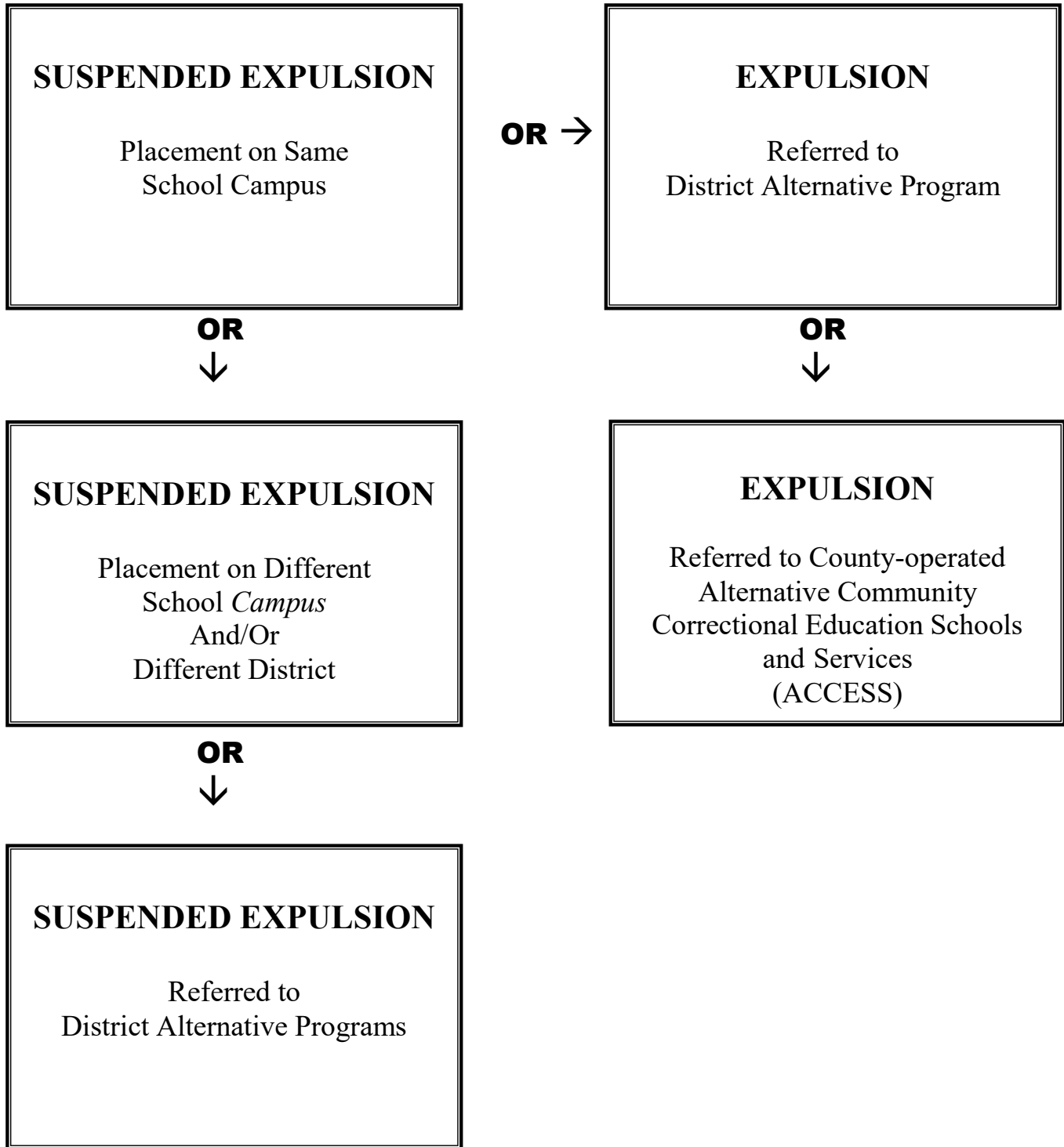
District activities relating to the prevention of expulsions are outlined in the following chart:

Anaheim Union High School District Prevention Activities

Title of Activity	Description of Activity	Grade Level
School-wide Behavior Expectations Assemblies/Classroom Visits	Explanation of school rules and policies to students	7-12
MTSS (Multi-Tiered Systems of Support)	MTSS is an integrated, comprehensive framework that focuses differentiated learning, student-centered learning, individualized student needs, and the alignment of systems necessary for all students' academic, behavioral, and social success	7-12
Educational Monitoring Team (EMT)	Academic/Behavior/Emotional Support Team that works with the student/families/parents to provide support & interventions to address the needs of the student.	7-12
Mental Health Implementation and Improvement Leadership Team (MHILLT)	Leadership Team focused on identifying the needs, developing programs and services for student behavior problems/mental illness/crisis response and threat assessments.	7-12
Advisement	Daily Mentoring Program focused on school culture and climate and providing additional supports for students. (Knowing your students by name and need)	7-12
Project Alert	Universal classroom program (Drug Education & Resistance Skill Building)	7-8
Stanford Tobacco Prevention Tool Kit	Classroom Program Tobacco and Vaping Addiction Prevention Curriculum	9
Positive Behavioral Support (PBIS)	Districtwide behavior management program	7-12
Parent Notification and Rights	Start of the year communication regarding policies	7-12
Parent Workshops	Parent nights and classes focused on parenting skills, awareness of mental illness, civic engagement, parent enrolment in school and transition into college and career.	K-6
Restorative Practices	Restorative approach to resolving conflict and preventing harm	7-12
Capturing Kids Hearts	Training for members of a school's educational community and to teach effective skills that help participants: Develop self-managing classrooms and decrease discipline issues through innovative techniques such as a social contract.	7-12
Saturday Academy	Providing added curricular activities to allow for re-engagement into school. Provides positive classes that reinforce expected behaviors and give students a change to recover loss hours of instruction. Reduces that sense of "hopelessness" for students	7-12
OC Ropes Course	Leadership/Teamwork Camp	7-12

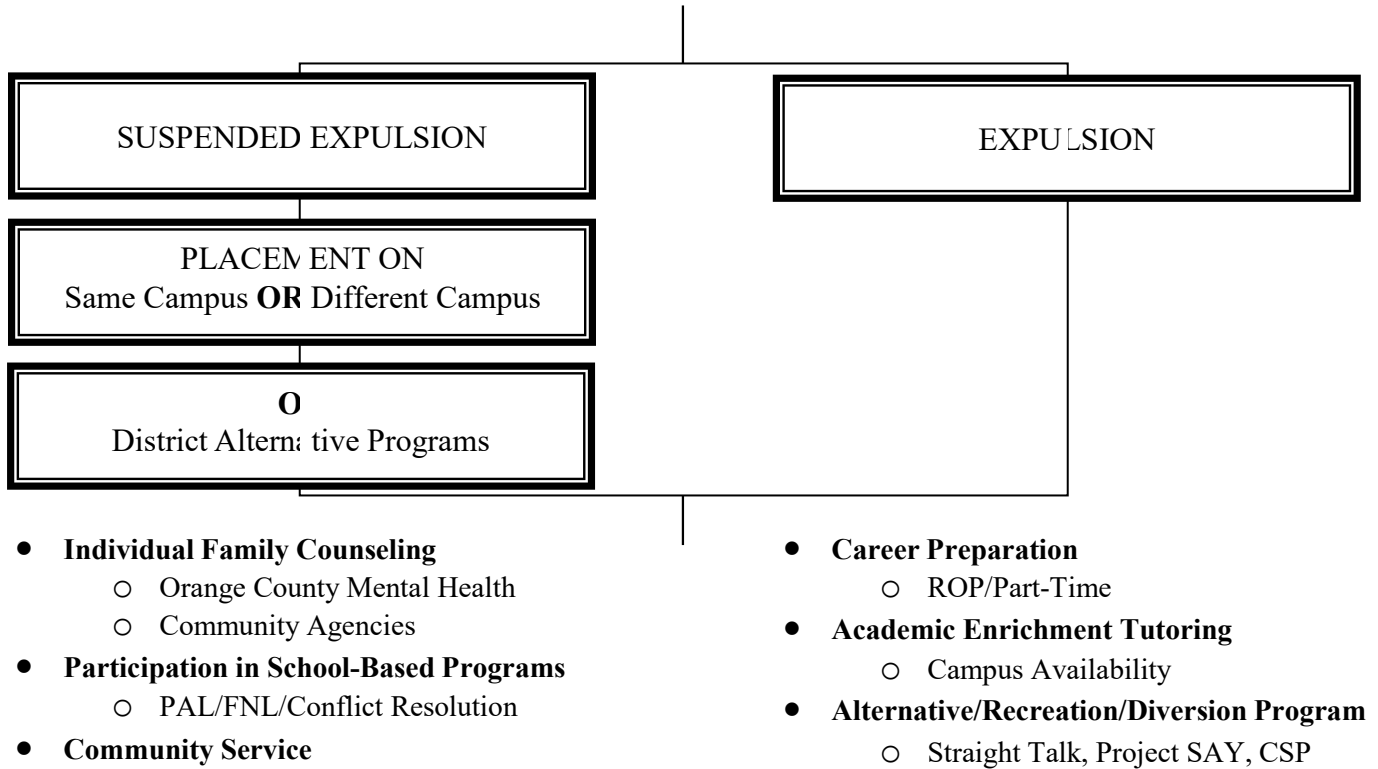
Mental Health/Suicide Prevention Units in Health Curriculum	Student Units imbedded within the Health Curriculum that raises awareness on mental health and where to find help. Teaches self-advocacy and problem solving and coping skills.	7 & 9 th
Project Path	Community Service Program (CSP) Project Path: Psycho-Educational Classroom Presentations to staff/ students and parents on drug use and the impact on kids	7-12
School Social Workers, LCSW	Offer individual and group counseling, parent workshops, training for staff, crisis response, and connect families to community resources	7-12
Weekly Cessation Program offered by the Anaheim Regional Medical Center	Cessation services for students caught with tobacco/vape/paraphernalia/alcohol/drugs	7-12
Alternative to Suspension-Pathways Program	Intervention program for students who are beginning to use or experiment with alcohol and other drugs	7-12
MPOWRD	Youth led leadership group focused on addictive behaviors (support group of kids) including persistent behavior problems, as well as drug/alcohol abuse.	7-12
Support Groups	Small group counseling lead by the Licensed Clinical School Social Workers. <ol style="list-style-type: none"> 1. Healthy Relationships Group 2. Girls Group (Self-Esteem/Bullying) 3. Boys Group (Self-Esteem Bullying) 4. Anger Management Group 	7-12
Mindfulness	Mind Kind Training to address toxic stress that leads to behavior problems. Teaches students coping skills, reflective thinking, and social-emotional well-being.	7-12
LGBTQI Awareness/Gay-Straight Alliance	School club that focuses on the needs and providing a safe space for these students. The OC Center also provides training/prof. dev. For staff on site to support these students.	7-12
Typical or Troubled	Presentation and awareness for teachers on what is normal adolescent behavior versus abnormal behavior and steps teachers take to addressing these behaviors in the classroom before they escalate.	7-12
Presentations on Mental Health vs. Mental Illness	Teacher/Staff/Parent presentations	7-12

**ANAHEIM UNION HIGH SCHOOL DISTRICT
EDUCATION PROGRAM
OPTIONS**

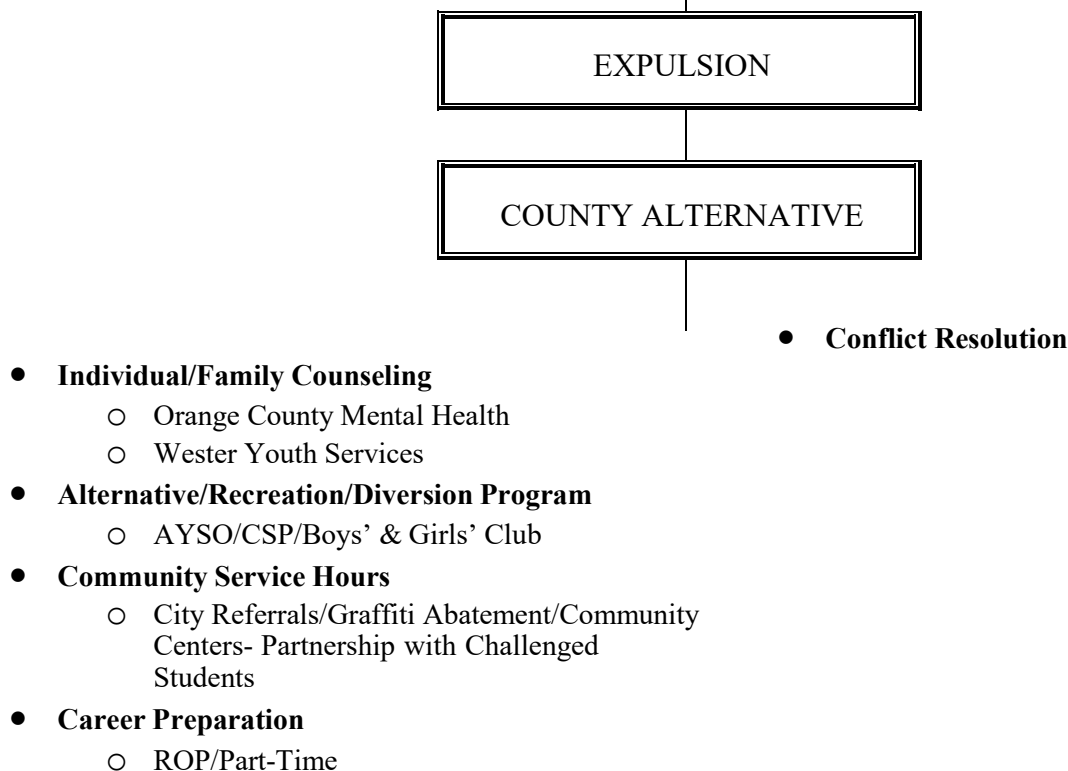


POSSIBLE REHABILITATION PLAN

REFERRED STUDENT



REFERRED STUDENT



- Campus Availability
- **Academic Enrichment Tutoring**
 - Campus Availability

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § 48926

§ 48926. County plans for provision of educational services to expelled pupils

Currentness

Each county superintendent of schools in counties that operate community schools pursuant to [Section 1980](#), in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to [Section 48916.1](#), on June 30th thereafter.

Credits

(Added by [Stats.1995. c. 974 \(A.B.922\). § 8. operative July 1, 1996.](#))

West's Ann. Cal. Educ. Code § 48926, CA EDUC § 48926

Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos)

Article 1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § **48916.1**

§ **48916.1**. Educational program requirements for expelled students

Effective: January 1, 2006

Currentness

(a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) Of Section 48115, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools.

(c) Any educational program provided pursuant to subdivision (b) may not be situated within or on the grounds of the school from which the pupil was expelled.

(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades I to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades I to 8, inclusive, and established in accordance with Section 48610.

(e)(I) Each school district shall maintain the following data:

(A) The number of pupils recommended for expulsion.

(B) The grounds for each recommended expulsion.

(C) Whether the pupil was subsequently expelled.

(D) Whether the expulsion order was suspended.

(E) The type of referral made after the expulsion.

(F) The disposition of the pupil after the end of the period of expulsion.

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to ~~to Section 48916.1~~ until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (I) and that the school district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

(f) If the county superintendent of schools is unable for any reason to serve the expelled pupils of a school district within the county, the governing board of that school district may enter into an agreement with a county superintendent of schools in another county to provide education services for the district's expelled pupils.

Credits

(Added by Stats.1995, c. 974 (A.B.922), § 6, operative July 1, 1995. Amended by Stats.1996, c. 937 (A.B.2834), § 1, effective September 24, 1996; Stats.1999, c. 646 (A.B.1600), § 1; Stats.2005, c. 69 (A.H.B.1111), § 1.)

West's Ann. Cal. Educ. Code § **48916.1**, CA EDUC § **48916.1**

Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos) Article

1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code§ 48916.5

§ 48916.5. Expulsion relating to controlled substances or alcohol; enrollment in drug rehabilitation program

Currentness

The governing board may require a pupil who is expelled from school for reasons relating to controlled substances, as defined in Sections 11054 to 11058, inclusive, of the Health and Safety Code, or alcohol, prior to returning to school to enroll in a county-supported drug rehabilitation program. No pupil shall be required to enroll in a rehabilitation program pursuant to this section without the consent of his or her parent or guardian.

Credits

(Added by Stats. 1988, c. 50, § 1)

West's Ann. Cal. Educ. Code§ 48916.5, CA EDUC§ 48916.5

Current with all 2017 Reg.Sess. laws.

West's Annotated California Codes
Education Code (Refs & Annos)
Title 2. Elementary and Secondary Education (Refs & Annos)
Division 4. Instruction and Services (Refs & Annos)
Part 27. Pupils (Refs & Annos)
Chapter 6. Pupil Rights and Responsibilities (Refs & Annos) Article
1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § 48917

§ 48917. Suspension of order to expel; rehabilitation program; expungement of records; filing of appeal

Currentness

- (a) The governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the pupil has satisfactorily completed the rehabilitation program.
- (b) The governing board shall apply the criteria for suspending the enforcement of the expulsion order equally to all pupils, including individuals with exceptional needs as defined in [Section 1011.5](#) SW2<1.
- (c) During the period of the suspension of the expulsion order, the pupil is deemed to be on probationary status.
- (d) The governing board may revoke the suspension of an expulsion order under this section if the pupil commits any of the acts enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. When the governing board revokes the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order.
- (e) Upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.
- (f) A decision of the governing board to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education required under [Section 1011.5](#) WJ 11. Any appeal shall be filed within 30 days of the original vote of the governing board.

Credits

(Added by Stats.1983, c. 498, §91, eff. July 28, 1983. Amended by Stats.1990, c. 121-1 (S.B. 121), §1; Stats.1991, c. 121-1 (S.B. 121), §1.)

KeyCite Yellow Flag- Negative Treatment

Unconstitutional or Preempted Prior Version Preempted by R.I.!!LQJlu- \01 Id L mfi, d ., ho,*I D1>t. \ Supeno 1 10 1111 Cal.App. 4 Dist., Dec. 31, 2002

KeyCite Yellow Flag - Negative TreatmentProposed Legislation

West's Annotated California Codes

Education Code (Refs & Annos)

Title 2. Elementary and Secondary Education (Refs & Annos)

Division 4. Instruction and Services (Refs & Annos)

Part 27. Pupils (Refs & Annos)

Chapter 6. Pupil Rights and Responsibilities (Refs & Annos) Article

1. Suspension or Expulsion (Refs & Annos)

West's Ann.Cal.Educ.Code § 48918

§ 48918. Rules governing expulsion procedures; hearings;
notice; decision in absence of request for postponement

Effective: January 1, 2015

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The governing board of each school district shall establish rules and regulations governing procedures for the expulsion of pupils. These procedures shall include, but are not necessarily limited to, all of the following:

(a)(I) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board of the school district.

(2) Within 10 schooldays after the conclusion of the hearing, the governing board of the school district shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the governing board of the school district does not meet on a weekly basis, the governing board of the school district shall decide whether to expel the pupil within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent of schools, unless the pupil requests in writing that the decision be postponed.

(3) If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable during the regular school year, the superintendent of schools or the superintendent's designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional live schooldays. If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as schooldays in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdiv. 11 in (c) of Section 18925, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall

be held not later than 20 calendar days before the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

(1) The date and place of the hearing.

(2) A statement of the specific facts and charges upon which the proposed expulsion is based.

(3) A copy of the disciplinary rules of the school district that relate to the alleged violation.

(4) A notice of the parent, guardian, or pupil's obligation pursuant to ,uhdi l i(lil (bl Of Syl'llnn -lRtJ 15.1.

(5) Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in Subdivision (n) of Section 101148.00 or to have committed a sexual battery as defined in Subdivision (n) of Section 101148.00, a complaining witness shall be given live days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 Of the Penal Code shall be followed for the hearing. This section does not require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

(A) For purposes of this section, "legal counsel" means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

(B) For purposes of this section, "nonattorney adviser" means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil's parent or guardian to provide assistance at the hearing.

(c)(I) Notwithstanding Section 35145, the governing board of the school district shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board of the school district may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

(2) If the governing board of the school district or the hearing officer or administrative panel appointed under subdivision (J) to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

(3) If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) Of Section 48100 or to commit a sexual battery as defined in subdivision (l) Of Section 48100, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

(d) Instead of conducting an expulsion hearing itself, the governing board of the school district may contract with the county hearing officer, or with the Office of Administrative Hearings pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207 of this code, for a hearing officer to conduct the hearing. The governing board of the school district may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the governing board of the school district or employer on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three schooldays after the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board of the school district. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made, unless the parent, guardian, or responsible adult of the pupil requests another school placement in writing. Before the placement decision is made by the parent, guardian, or responsible adult, the superintendent of schools or the superintendent's designee shall consult with school district personnel, including the pupil's teachers, and the parent, guardian, or responsible adult regarding any other school placement options for the pupil in addition to the option to return to his or her classroom instructional program from which the expulsion referral was made. If the hearing officer or administrative panel finds that the pupil committed any of the acts specified in subdivision (c) Of Section 48915, but does not recommend expulsion, the pupil shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or, pursuant to the procedures set forth in Section 48432.5, a continuation school of the school district. The decision not to recommend expulsion shall be final.

(f)(I) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board of the school district. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board of the school district accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the governing board of the school district may order.

(2) The decision of the governing board of the school district to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely upon hearsay evidence. The governing board of the school district or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of

psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the governing board of the school district or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

(g) A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

(h)(l) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board of the school district to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section -18900.

(2) In hearings that include an allegation of committing or attempting to commit a sexual assault as defined in subd. 1.1011 (n) of Section -18100 or to commit a sexual battery as defined in subd. 1.1011 (n) of Section -18100, evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

(i)(l) Before the hearing has commenced, the governing board of the school district may issue subpoenas at the request of either the superintendent of schools or the superintendent's designee or the pupil, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board of the school district or the hearing officer or administrative panel may, upon request of either the county superintendent of schools or the superintendent's designee or the pupil, issue subpoenas. All subpoenas shall be issued in accordance with Section 1985, 1.285.1, and 1.985.2 Of the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with § 11-155.20 of the Illinois Code of Civil Procedure.

(2) Any objection raised by the superintendent of schools or the superintendent's designee or the pupil to the issuance of subpoenas may be considered by the governing board of the school district in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the governing board of the school district in response to an objection to the issuance of subpoenas shall be final and binding.

(3) If the governing board of the school district, hearing officer, or administrative panel determines, in accordance with subdivision (f), that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).

(4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1-101 of the Illinois Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees

§ 48918. Rules governing expulsion procedures; hearings;..., CA EDUC§ 48918

of the state or any political subdivision of the state, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

U) Whether an expulsion hearing is conducted by the governing board of the school district or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board of the school district in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil's parent or guardian and shall be accompanied by all of the following:

(l) Notice of the right to appeal the expulsion to the county board of education.

(2) Notice of the education alternative placement to be provided to the pupil during the time of expulsion.

(3) Notice of the obligation of the parent, guardian, or pupil under subdivision (b) of Section 10115.1, upon the pupil's enrollment in a new school district, to inform that school district of the pupil's expulsion.

(k)(l) The governing board of the school district shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be nonprivileged, disclosable public records.

(2) The expulsion order and the causes for the expulsion shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

Credits

(Added by Stats. 1983, c. 498, § 91, eff. July 28, 1983. Amended by Stats. 1984, c. 482, § 13.5, eff. July 17, 1984; Stats. 1984, c. 622, § 1; Stats. 1988, c. 641, § 1; Stats. 1990, c. 101, § 1 (A.B. 794); Stats. 1994, c. 14 (A.B. 360), § 32; Stats. 1995, c. 17 (A.B. 118), § 1; Stats. 1995, c. 972, § 13 (S.B. 606), § 13; Stats. 1995, c. 974 (A.B. 922), § 7, operative July 1, 1996; Stats. 1996, c. 111 (S.B. 612), § 1; Stats. 1998, c. 489 (S.B. 1427), § 1; Stats. 1999, c. 332 (A.B. 588), § 1; Stats. 2003, c. 552 (A.B. 1000), § 3; Stats. 2014, c. 837 (S.B. 1111), § 5, c.T., Jan. 1, 2015.)

Editors' Notes

VALIDITY

For validity of this section, see Rim of the World Unified School Dist. v. Superior Court (App. 4 Dist. 2002) Cal. Rptr. 2d 11, 104 Cal. App. 4th 1293, modified on denial of rehearing, review denied.

Notes of Decisions (29)

West's Ann. Cal. Educ. Code § 48918, CA EDUC§ 48918
Current with all 2017 Reg. Sess. laws.

WESTLAW

§ 48918. Rules governing expulsion procedures; hearings;..., CA EDUC§ 48918



ANAHEIM UNION HIGH SCHOOL DISTRICT

501 NORTH CRESCENT WAY • ANAHEIM, CA • 92801

(714) 999-3502

SUPERINTENDENT'S OFFICE

Official action of the Board of Trustees on May 6, 2021, to be used for official record of employment, travel, bid awards, other authorizations as necessary or indicated.

Triennial Review, Countywide Expulsion Plan for Expelled Students

Background Information:

The Countywide Expulsion Plan for Expelled Students is reviewed every three years by the Orange County Department of Education and the 28 school districts located in Orange County, via county meetings that include representatives from each district. The entire plan is reviewed and gaps of services are identified.

Current Consideration:

The plan will provide educational services to expelled students according to Education Code Section 48916.1. This plan is created to address areas of concern for the years 2021-24.

Budget Implication:

There is no impact to the budget.

Action:

The Board of Trustees approved the plan.

Michael B. Matsuda
Superintendent

2020-2021
Anaheim Union High School District
Superintendent's Office

MEMORANDUM

DATE: May 6, 2021

TO: Mr. Michael Matsuda, Superintendent

FROM: Joe Saldaña, Interim Director, Student Services

RE: **UPDATE TO DISTRICT PLAN FOR PROVIDING EDUCATIONAL SERVICES FOR EXPELLED STUDENTS**

Background:

Every three years, school districts must develop and update a district plan that provides education services for all expelled students within the county. All school districts in Orange County each have developed their own plan utilizing a model created by the Orange County Department of Education.

The Anaheim Union High School District has updated its plan, which was first approved by the Board of Trustees on March 27, 1997, and revised triennially.

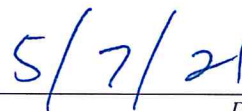
Recommendation:

It is recommended that the Board of Trustees approve the updated 2021-2024 "Plan for Providing Educational Services to all Expelled Students in Orange County", which follows the Orange County Department of Education model.

APPROVED:



Mr. Michael Matsuda, Superintendent



Date